

EXHIBIT 10

1 A. Correct.

2 Q. And that is a source of drinking water for
3 human consumption?

4 A. That's not the way we look at it. It's --
5 We're looking at the water or the boundary and are
6 there any wells within that boundary. I understand
7 what you're saying, that that well, one foot or even a
8 further away if we pump it, it can draw water from the
9 exempted area or certainly eventually water from the
10 exempted area will flow to that well. But that's not
11 what we base an Aquifer Exemption on when we refer to
12 a well as a source of drinking water.

13 Q. So it's just basically based on the physical
14 location of the well and doesn't take into
15 consideration the zone of capture that would be
16 applied to that well?

17 A. It does not; that's correct.

18 Q. And where is that in the rules?

19 A. That is not in the rules.

20 Q. Where are you coming up with this idea?

21 A. In discussions with my manager and with a
22 former TCEQ employee that worked in the UIC group.
23 Since it's my first -- well, since it's my first Class
24 3 application and my first Aquifer Exemption, I tried
25 to find out as much as I could about any procedures we